

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1203 – SB 1327

April 14, 2015

SUMMARY OF ORIGINAL BILL: Requires anyone convicted of first degree murder and sentenced to life imprisonment after July 1, 2015, to serve 100 percent of the sentence received, without any reduction from sentencing credits, if special aggravating circumstances are determined to have existed.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$449,600 Highest Projected Cost of Next 10 Years/Incarceration*

SUMMARY OF AMENDMENT (005920): Removes provisions requiring someone to serve 100 percent of the sentence received, without any reduction from sentencing credits, if it is found that a victim was kidnapped during the course of the murder even though the person sentenced was not charged with kidnapping or any degree thereof.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$224,800 Highest Projected Cost of Next 10 Years/Incarceration*

Assumptions for the bill as amended:

- Under current law, someone convicted of first degree murder and sentenced to life imprisonment is not eligible to be released until he/she has served 36 years. That may be reduced by sentencing credits, but not below 25 years.
- Statistics from the Department of Correction (DOC) show an average of 74.5 admissions per year for first degree murder over the last 10 years. It is assumed that 75 percent ($74.5 \times .75 = 55.88$) of these admissions are for life imprisonment. It is further assumed that seven and one-half percent ($55.88 \times .075 = 4.19$) of these involved special aggravating circumstances and would be required to serve 100 percent of the sentence under the bill.
- Data from the DOC shows that the average time served for first degree murder is 31.34 years. There is insufficient data to determine the average sentence received for first degree murder. However, it is reasonable to assume that the average sentence received is at least 36 years as that is the minimum time one must serve, without sentence credits, before being release eligible.
- The bill will result in each offender serving an additional 4.66 years ($36 - 31.34$).
- According to the DOC, the average operating cost per offender per day for calendar year

2015 is \$66.03.

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- According to the DOC, 49.1 percent of offenders will re-offend within three years of their release. A recidivism discount of 49.1 percent has been applied to this estimate to account for the impact of offenders who would re-offend under current law within the additional time added by this bill. It is assumed that the re-offender would have committed the subsequent offense at the same felony level as under current law ($4 \text{ offenders} \times .491 = 2 \text{ offenders}$).
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders [$4 \text{ offenders} - 2 \text{ (recidivism discount)}$] serving an additional 4.66 years (1,702.07 days) for a total of \$112,388 ($\$66.03 \times 1,702.07 \text{ days}$). The cost for two offenders is \$224,776 ($\$112,388 \times 2$).
- The bill does not create any new cases for the courts, district attorneys, or public defenders. It impacts sentencing procedures. It is assumed that any impact to the courts, district attorneys, or public defenders can be accommodated within their existing resources.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Jeffrey L. Spalding, Executive Director

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